

June 29, 2005

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ICC TO HEAR ARGUMENTS ON PROPOSAL TO DISMISS POWER AUCTION CASE

The Illinois Commerce Commission has scheduled an oral argument for Tuesday, July 5 on a motion filed by the Attorney General of Illinois and other interested parties, to dismiss proceedings intended to design a procurement process for electricity before the end of 2006.

The Commission will meet at 1 p.m. in the main hearing room of its offices on the eighth floor of the Michael Bilandic Building, 160 N. LaSalle Street, Chicago.

The procurement plans, submitted to the Commission by Commonwealth Edison and Ameren on behalf of each of their respective utilities, have been consolidated for the hearing process. They include dockets 05-0159, 05-0160, 05-0161 and 05-0162.

On May 17, attorneys representing the Illinois Attorney General, Cook County State's Attorney, the Citizens Utility Board and the Environmental Law and Policy Center filed a motion to dismiss the auction cases, alleging the Commission lacks the legal authority to approve market-based rates for electric service that has not been declared competitive.

Administrative law judges presiding in the cases ruled against the parties and denied the motion on June 1. The parties then appealed directly to the Commission to reverse the judges by filing a motion for interlocutory review.

The Commission determined on its own motion that an oral argument should be held, a move that is unusual mid-way through a proceeding. Commission Chairman Ed Hurley said given the significance of the issue and the case schedule, a special oral argument to allow all parties to the proceedings the opportunity to speak directly to the Commission was warranted.

A schedule for the presentations at the oral argument will be set shortly.

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